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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATT	ORNEY DOCKET NO.
09/699,02	23 10/27	00 CHEN		G	UTSB:675US/
			\neg	EXA	AMINER
		HM12/1010		•	
ROBERT E.	HANSON			FORD.\	/
FULBRIGH1	r & JAWORSH	(I L.L.P.		ART UNIT	PAPER NUMBER
SUITE 240	0			<u> </u>	<u> </u>
600 CONGR	RESS AVENUE	•		1 <i>6</i> .45	
AUSTIN T				DATE MAILED:	
	-				10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

		Application No.	Applicant(s)				
		09/699,023	CHEN ET AL.				
	Offic Acti n Summary	Examiner	Art Unit				
		Vanessa L. Ford	1645				
	The MAILING DATE of this communication appears on the cover sheet with the correspondenc address Period for Reply						
A SHO THE I - Exter after - If the - If NO - Failui - Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing of patent term adjustment. See 37 CFR 1.704(b).	36 (a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from t, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1)[🛛	Responsive to communication(s) filed on 27 (<u> October 2000</u> .					
2a)	This action is FINAL . 2b) ☐ Th	is action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4) Claim(s) 1-74 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	5) Claim(s) is/are allowed.						
6)□	6) Claim(s) is/are rejected.						
7)	7) Claim(s) is/are objected to.						
8)⊠	Claims $1-74$ are subject to restriction and/or 6	election requirement.					
Application Papers							
9)[The specification is objected to by the Examine	er.					
10)	10) The drawing(s) filed on is/are objected to by the Examiner.						
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. § 119							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).							
Attachmen	t(s)						
15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). 19) Notice of Informal Patent Application (PTO-152) 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 20) Other:							

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Art Unit: 1645

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-32 are drawn to a method of obtaining a bacterium comprising a nucleic acid sequence encoding a binding protein capable of binding a target ligand, classified in class 435, subclass 7.1.
 - II. Claims 33-74 are drawn to a method of obtaining a bacterium comprising a nucleic acid sequence encoding a catalytic protein catalyzing a chemical reaction, classified in class 435, subclass 7.6.
- 2. Groups I and II are drawn to different methods. Group I is drawn to a method of obtaining a bacterium comprising a nucleic acid sequence encoding a binding protein capable of binding a target ligand. Group II is drawn to a method of obtaining a bacterium comprising a nucleic acid sequence encoding a catalytic protein catalyzing a chemical reaction. Groups I and II are drawn to distinct methods which differ in the method objectives, method steps, reagents used and produce different products.
- 3. Because these inventions are distinct for the reasons given and have acquired a separate status in the art because of their recognized divergent subject matter as shown by their different classification, restriction for examination purposes as indicated

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is proper. Moreover, in the absence of restriction it would place an undue search and examination burden on the examiner.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

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6. Any inquiry of the general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308–0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Office Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for the Group 1600 is (703) 308-4242.

Any inquiry concerning this communication from the examiner should be directed to Vanessa L. Ford, whose telephone number is (703) 308-4735. The examiner can normally be reached on Monday – Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be/rea/ched at (703) 308-3909.

Vanessa L. Ford

Biotechnology Patent Examiner

October 4, 2001

LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER TOOU